

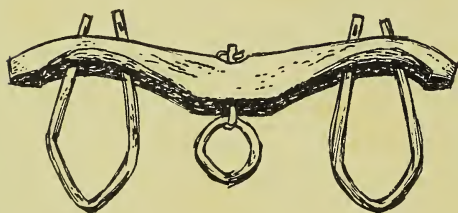
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Lincoln: more than a country
lawyer.

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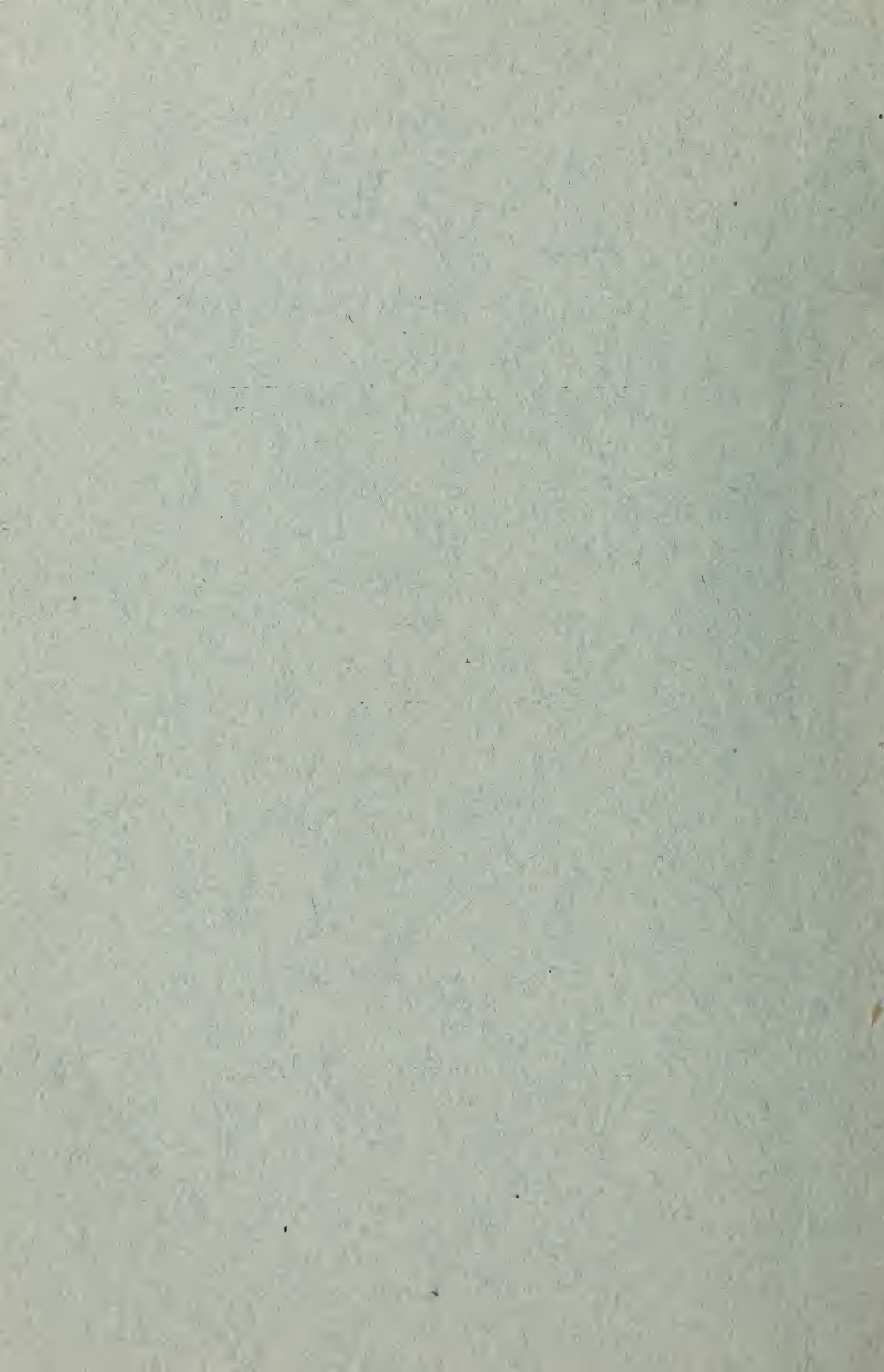
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ABRAHAM LINCOLN

MORE THAN A COUNTRY LAWYER

By
EMANUEL HERTZ

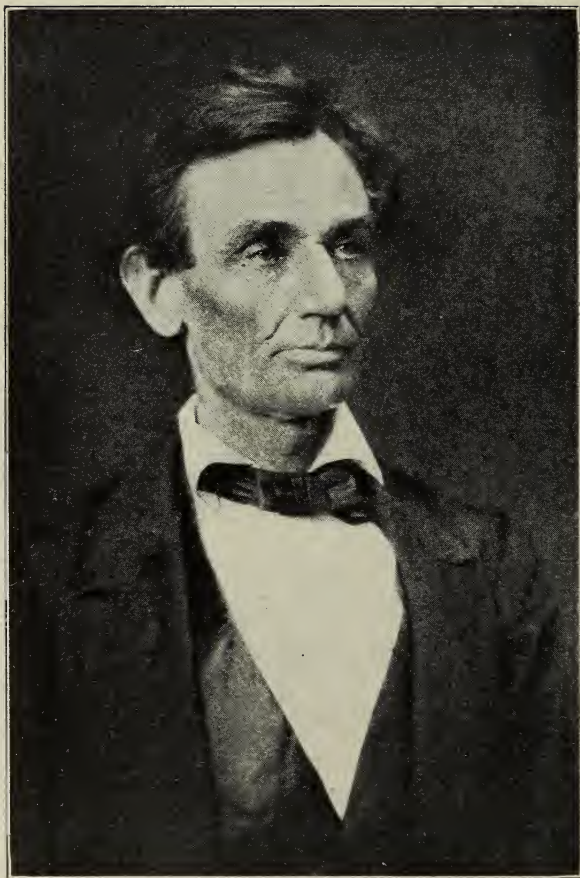
Delivered at the Bronx County Bar Association,
February 8, 1928



This pamphlet is dedicated in partial recognition of
a debt of gratitude to

JOHN WESLEY HILL, DD., LL.D.,

Chancellor of Lincoln Memorial University, who
first awoke in me the desire to read and study the
life and works of Abraham Lincoln, and who has
given his life and his great abilities toward educating
the youth of America in Lincoln's own birthplace.



ABRAHAM LINCOLN

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ABRAHAM LINCOLN MORE THAN A COUNTRY LAWYER

By EMANUEL HERTZ

A DEFINITIVE life of Lincoln, when it comes to be written—a task which awaits some natural born historian and biographer, at a time when all of the Lincoln material which is now in hiding will come to the surface and will become available for a proper appraisal of that truly remarkable man, will dissolve many a fiction and will dispel many a belief which is now supported by legend and story only. Among the many notions which have become current about Lincoln none is more inadequate than the treatment he has received from the biographers as to his activities as a lawyer. There are those who claim for him all he achieved and all he has accomplished was due to the fact that he was a lawyer. But when we consider that about two-thirds of our chief magistrates have at one time or other during their careers been lawyers or judges—and yet that particular phase had but little to do with the success or failure of their administration—we might well hesitate to claim that Lincoln owed so much to the fact that law became his permanent profession.

And then, too, it is a peculiar picture that comes to us through the maze of legend as to the kind of lawyer he was. The criminal causes had a great vogue on the frontiers of civilization in those days—and Lincoln's two or three great victories in criminal causes have captured the imagination of the hero-worshipper—who cannot imagine Lincoln preparing a brief on appeal, or thinking out a carefully prepared legal document. We overlook his versatility as a pleader, as an adviser, as an arbitrator of causes, as a student of Constitutional law, in which he hardly had an equal, unless we take into consideration

the great legal instincts of John Marshall. The late Senator Beveridge whose untimely death crippled the second great undertaking of his life—a companion work to his life of the great Chief Justice—saw the resemblance between these two great outstanding leaders of men—and I cannot help quoting in full what he says. When he approaches the climax in his epoch-making life of Marshall, and wants to give his readers an idea how great Marshall really was:

“* * * We must imagine a person very much like Abraham Lincoln.

“Indeed, the resemblance of Marshall to Lincoln is striking. Between no two men in American history is there such a likeness. Physically, intellectually, and in characteristics, Marshall and Lincoln were of the same type. Both were very tall men, slender, loose-jointed, and awkward, but powerful and athletic; and both fond of sport. So alike were they, and so identical in their negligence of dress and their total unconsciousness of, or indifference to, convention, that the two men, walking side by side, might well have been taken for brothers.

“Both Marshall and Lincoln loved companionship with the same heartiness, and both had the same social qualities. They enjoyed fun, jokes, laughter, in equal measure, and had the same keen appreciation of wit and humor. Their mental qualities were the same. Each man had the gift of going directly to the heart of any subject; while the same lucidity of statement marked each of them. Their style, the simplicity of their language, the peculiar clearness of their logic, were almost identical. Notwithstanding their straightforwardness and amplitude of mind, both had a curious subtlety. Some of Marshall’s opinions and Lincoln’s State papers might have been written by the same man. The ‘Freeholder’ questions and answers in Marshall’s Congressional campaign, and those of Lincoln’s

debate with Douglas, are strikingly similar in method and expression.

"Each had a genius for managing men; and Marshall showed the precise traits in dealing with the members of the Supreme Court that Lincoln displayed in the Cabinet.

"Both were born in the South, each on the eve of a great epoch in American history when a new spirit was awakening in the hearts of the people. Although Southern-born, both Marshall and Lincoln sympathized with and believed in the North; and yet their manners and instinct were always those of the South. Marshall was given advantages that Lincoln never had; but both were men of the people, were brought up among them, and knew them thoroughly. Lincoln's outlook upon life, however, was that of the humblest citizen; Marshall's that of the well-placed and prosperous. Neither was well educated, but each acquired, in different ways, a command of excellent English and broad, plain conceptions of government and of life. Neither was a learned man, but both created the materials for learning.

"Marshall and Lincoln were equally good politicians; but, although both were conservative in their mental processes, Marshall lost faith in the people's steadiness, moderation, and self-restraint; and came to think that impulse rather than wisdom was too often the temporary moving power in the popular mind, while the confidence of Lincoln in the good sense, righteousness, and self-control of the people became greater as his life advanced. If, with these distinctions, Abraham Lincoln were, in imagination, placed upon the Supreme Bench during the period we are now considering, we should have a good idea of John Marshall, the Chief Justice of the United States."

A few days before his death, he wrote me and asked for a photostatic copy of a very fine document which Lincoln pre-

pared in establishing the first German newspaper in Springfield under the editorship of Dr. Canisius. It would do your hearts good to see and read that document which he prepared with his usual care. But the day I was to take it for photostating saw the passing of Beveridge and he never saw the original document. The document is herein published for the first time.

Almost every paper Lincoln put his hand to, comes out a perfect legal document. As I promised to show you new ones only, documents which had never been published, I will call your attention to a legal opinion of Lincoln's as to the construction of an old Federal Statute—applying to surveyors. I have seen all his published works in all collections, but never a legal opinion such as this:

“The 11th Section of the Act of Congress, approved Feb. 11, 1805, prescribing rules for the subdivision of Sections of land within the United States system of Surveys, standing unrepealed, in my opinion, is binding on the respective purchasers of different parts of the same Section, and furnishes the true rule for Surveyors in establishing lines between them— That law, being in force at the time each became a purchaser, becomes a condition of the purchase—

“And, by that law, I think the true rule for dividing into quarters, any interior Section, or Section which is not fractional, is to run straight lines through the Section from the opposite quarter section corners, fixing the point when such straight lines cross, or intersect each other, as the middle, or center of the Section—

“Nearly, perhaps quite, all the original surveys are, to some extent, erroneous; and, in some of the Sections, greatly so— In each of the latter, it is obvious that a more equitable mode of division than the above, might be adopted; but as error is infinitely various, perhaps no bet-

ter single rule can be prescribed. At all events I think the above has been prescribed by the competent authority—
Springfield, Jany. 11, 1859.

A. LINCOLN."

And yet the works of Lincoln's legal activities have been definitely set down in the two or three books on that phase of his life.

We are also led to believe that his was a perfectly angelic nature with clients and litigants on all occasions and under all circumstances. Nothing can be further from the truth. Listen to this letter to a client who is unfair and who complains that his business had been neglected by the firm of Lincoln & Herndon. The letter was received soon after the conclusion of the great joint debate with Douglas. In the very nature of things Lincoln must have been much depressed not only by his failure to reach the Senate, but also by his loss of income and his expense during the period occupied by the joint debate. He had about started to recoup his losses and better his never over-prosperous financial condition. Herndon was never more than a good office man, and a high class managing clerk, although Lincoln and "Billy" Herndon had been partners sixteen years, during which Lincoln always took care that "Herndon's half" of their fee was always paid over to Billy. "Billy" never forgave Lincoln—after the latter had become President, his utter failure to appoint Herndon to any important post either in his Cabinet, to the Federal Bench or to any other important position. Late in his first term he made the only offer of a \$10 per diem appointment to look after a minor matter in St. Louis which Herndon declined. But here is the letter which Lincoln wrote to the dissatisfied clients:

"Never to be published—*Herndon*.

Springfield, Novr. 17, 1858.

"Messrs. S. C. Davis & Co.

Gentlemen

"You perhaps need not to be reminded how I have been personally engaged for the last three or four months— Your letter to Lincoln & Herndon, of Oct. 1st complaining that the lands of those against whom we obtained judgment last winter for you, have not been sold on execution has just been handed to me to-day— I will try to 'explain how our' (your) 'interests have been so much neglected' as you choose to express it— After these judgements were obtained we wrote you that under our law, the selling of land on execution is a delicate and dangerous matter; that it could not be done safely, without a careful examination of titles, and also of the *value* of the property— Our letters to you will show this— To do this would require a canvass of half the State— We were puzzled, & you sent no definite instructions— At length we employed a young man to visit all the localities, and make as accurate a report on titles and values as he could— He did this, expending three or four weeks time, and as he said, over a hundred dollars of his own money in doing so— When this was done we wrote you, asking if we should sell and bid in for you in accordance with this information— This letter you never answered—

"My mind is made up— I will have no more to do with this class of business— I can do business in Court, but I can not, and will not follow executions all over the world. The young man who collected the information for us is an active young lawyer living at Carrollton, Green County, I think— We promised him a share of the compensation we should ultimately receive— He must be somehow paid; and I believe you would do well to turn the whole business

over to him— I believe we have had, of legal fees, which you are to recover back from the defendants, one hundred dollars— I would not go through the same labor and vexation again for five hundred; still, if you will clear us of Mr. William Fishbach (such is his name) we will be most happy to surrender to him, or to any other person you may name—

Yours, etc.,

A. LINCOLN."

"This shall never
be published. Herndon."

When Herndon either heard of it or saw the letter he hastened to the clients and recovered the letter and endorsed on the top and at the end of the letter that it was never to be published. But he published something of a far graver nature himself about Lincoln's parentage. Of course, that was twenty-five years later, and Herndon had grown older and feebler and Herndon was never a total abstainer. But this letter must have been an eye-opener as to what Lincoln could say and write when unfairly charged with neglect of duty.

While a conscientious lawyer at all times and always serving his client with fidelity and to the utmost of his ability, a very fine letter written to one of his clients, M. L. Hays, October 27, 1852, indicates in characteristic fashion Lincoln's kindness of heart. Although he was ready to obtain a judgment for his client he writes as follows:

"At our court, just past, I could have got a judgment against Turley, if I had pressed to the utmost, but I am really sorry for him—POOR and a Cripple as he is— He begged time to try to find evidence to prove that the deceased on his death-bed, ordered the note to be given up to him or destroyed."

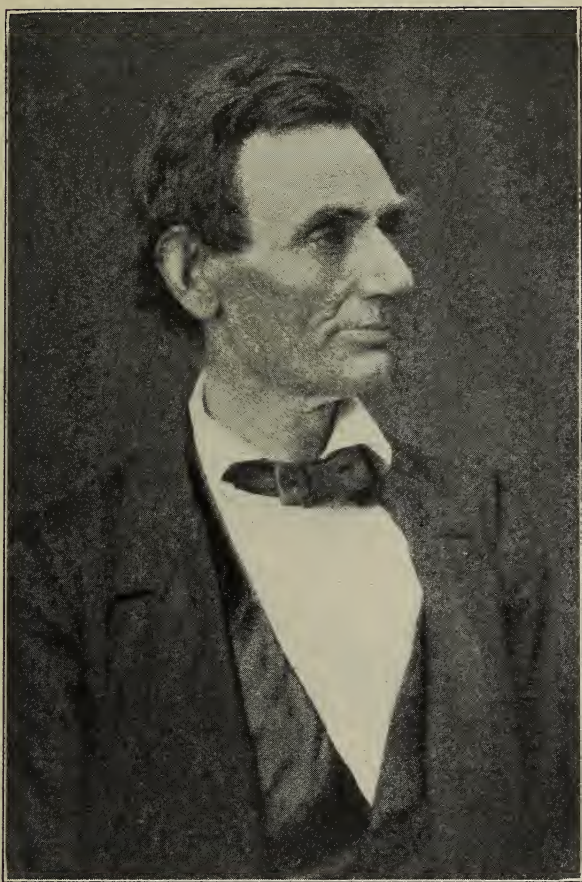
Lincoln, too, was very punctilious as to his charges. And moderate to the point when other practitioners would charge

him with ruining their prospects by charging so little for his services. To Benjamin Fuller, Jr., he gave the following receipt:

“Received, May 11, 1885, of Benjamin Kellogg, Jr. fifty dollars in full ballance of all fees, up to this date, and also one dollar and a quarter, to be applied on the next fee—

A. LINCOLN—”

Lincoln was absolutely fearless as a lawyer—as he was in public life. When he had reached a conclusion, when he had analyzed a proposition, when he became convinced of a state of facts—he would speak his mind and pronounce judgment not only upon a political opponent, but upon the judge presiding—and generally in open court—and did not distinguish or change his practice even when the Supreme Court of the United States was concerned. Lawyers are all acquainted with the famous Dred Scott decision by the Supreme Court—which was held back until after the Frémont Buchanan election. The election had been rather close—and it was well within the possibilities that had the decision been promptly announced Frémont, and not Buchanan, might have been elected. Now there were great men on that Bench at the time. Roger B. Taney was still Chief Justice. It required some courage to take the Court to task. Newspapers might have done it—the man in the street might have done it—and the Court could disregard comment and criticism alike. But here was a member of the Bar—the leader of the Illinois Bar—a member of the Bar of the Supreme Court of the United States—who could easily be held to account for his strictures upon the most exalted tribunal in the world. But here was Lincoln, who knew he was right, whose instinct reassured him that the judges, or some of them, had an ear to the ground, and for the moment heard the siren sounds of politics, and came to the conclusion that the cause had not been disposed of simply on the legal questions involved. He saw the hand of Douglas and Pierce and Buchanan in addition to the voice of



ABRAHAM LINCOLN

Taney. Honest and fearless Abraham Lincoln is shocked at the low estate into which John Marshall's court had fallen—the court which had made our Constitution virile and our country great. And Lincoln spoke—Lincoln charged a conspiracy of silence pending the election—and conspiracy of the slave power for the perpetuation of slavery after the election. He was not frightened by a Preston Brooks—he would probably have broken every bone in that coward's body had he ever attempted to argue any question with Lincoln as he did with Sumner, an old man—attacked with a bludgeon from the rear—this is what Lincoln has to say:

“My main object was to show, so far as my humble ability was capable of showing to the people of this country, what I believe was the truth—that there was a tendency, if not a conspiracy, among those who have engineered this slavery question for the last four or five years, to make slavery perpetual and universal in this nation. Having made that speech principally for that object, after arranging the evidences that I thought tended to prove my proposition, I concluded with this bit of comment:

“We cannot absolutely know that these exact adaptations are the result of preconcert, but when we see a lot of framed timbers, different portions of which we know have been gotten out at different times and places, and by different workmen—Stephen, Franklin, Roger, and James, for instance; and when we see these timbers joined together, and see they exactly make the frame of a house or a mill, all the tenons and mortices exactly fitting, and all the lengths and proportions of the different pieces exactly adapted to their respective places, and not a piece too many or too few,—not omitting even the scaffolding,—or if a single piece be lacking, we see the place in the frame exactly fitted and prepared to yet

bring such piece in—in such a case we feel it impossible not to believe that Stephen and Franklin, and Roger and James, all understood one another from the beginning, and all worked upon a common plan or draft drawn before the first blow was struck.’ ”

Were a set of conspirators ever impaled like unto this marvelous indictment drawn by the country lawyer of the Eighth Circuit of Illinois?

As late as August, 1854, he writes to his friend, Thomas, to settle a case for \$110—“and my fee * * * as to the amount of my fee, take ten dollars, which you and I will divide equally.” You can about imagine the kind and quantity of the legal business which occupied him.

As late as 1856, he defends Father Chiniquy in Urbana. In Father Chiniquy’s volume “Fifty Years in the Church of Rome” he relates how he had become the victim of a plot of a corrupt Bishop—and was taken for trial far away from the community in which he was known in Kankakee. A stranger who had witnessed the procedure suggested to him—“try to secure the services of Abraham Lincoln of Springfield.” “If that man defends you,” said the stranger, “you will surely come out victorious from that deadly conflict.” When asked for his name the stranger refused to give it but said: “I am a Catholic like you, and one like you who cannot bear any longer the tyranny of our American bishops. With many others, I look to you as our deliverer, and for that reason I advise you to engage the services of Abraham Lincoln.”

“But,” replied Father Chinigny, “who is that Abraham Lincoln?”

He replied: “Abraham Lincoln is the best lawyer and the most honest man in Illinois.”

His lawyers cheerfully consented to the retaining of Lincoln, to whom he telegraphed and in about twenty minutes came Lincoln’s acceptance.

“It was then that I met Mr. Abraham Lincoln for the first time. He was a giant in stature, but I found him still more a giant in the noble qualities of his mind and heart. It was impossible to converse five minutes with him without loving him. There was such an expression of kindness and honesty in that face, and such an attractive magnetism in the man that, after a few moments’ conversation, one felt as tied to him by all the noblest affections of the heart.

“When pressing my hand, he told me: ‘You were mistaken when you telegraphed that you were unknown to me. I know you, by reputation, as the stern opponent of the tyranny of your bishop, and the fearless protector of your countrymen in Illinois; I have heard much of you from two priests; and, last night, your lawyers, Messrs. Osgood and Paddock, acquainted me with the fact that your bishop employs some of his tools to get rid of you. I hope it will be an easy thing to defeat his projects, and protect you against his machinations.’

“He then asked me how I had been induced to desire his services. I answered by giving him the story of that unknown friend who had advised me to have Mr. Abraham Lincoln for one of my lawyers, for the reason that ‘he was the best lawyer and the most honest man in Illinois.’ He smiled at my answer, with that inimitable and unique smile, which we may call the ‘Lincoln smile,’ and replied: ‘That unknown friend would surely have been more correct, had he told you that Abraham Lincoln was the ugliest lawyer of the country!’ and he laughed outright.

“I spent six long days at Urbana as a criminal, in the hands of the sheriff, at the feet of my judges. During the greatest part of that time, all that human language can express of abuse and insult was heaped on my poor head. God only knows what I suffered in those days; but I was providentially surrounded, as by a strong wall, when I

had Abraham Lincoln for my defence, 'the best lawyer and the most honest man of Illinois,' and the learned and upright David Davis for my judge. The latter became Vice-President of the United States in 1882; and the former its most honoured President from 1861 to 1865.

"I never heard anything like the eloquence of Abraham Lincoln, when he demolished the testimonies of the two perjured priests, Lebelle and Carthuvél, who, with ten or twelve other false witnesses, had sworn against me. I would have surely been declared innocent, after that eloquent address, and the charge of the learned Judge Davis, had not my lawyers, by a sad blunder, left a Roman Catholic on the jury. Of course, that Irish Roman Catholic wanted to condemn me, when the eleven honest and intelligent Protestants were unanimous in voting 'Not Guilty.' The Court, having at last found that it was impossible to persuade the jury to give a unanimous verdict, discharged them. But Spink again forced the sheriff to keep me prisoner, by obtaining from the Court the permission to begin the prosecution *de novo* at the term of the fall, the 19th of October, 1856.

"The jury having been selected and sworn, the Rev. Mr. Lebelle was the first witness called to testify and say what he knew against my character.

"Mr. Lincoln objected to that kind of testimony, and tried to prove that Mr. Spink had no right to bring his new suit against me by attacking my character. But Judge Davis ruled that the prosecution had that right in the case that was before him. Mr. Lebelle had, then, full liberty to say anything he wanted, and he availed himself of his privilege. His testimony lasted nearly an hour, and was too long to be given here. I will only say that he began by declaring that "Chiniquy was one of the vilest men of the day—that every kind of bad rumour were constantly circulating against him." He gave a good number of

those rumours, though he could not positively swear if they were founded on truth or not, for he had not investigated them. But he said there was one of which he was sure, for he had authenticated it thoroughly. He expressed a great deal of apparent regret that he was forced to reveal to the world such things, which were not only against the honour of Chiniquy, but, to some extent, involved the good name of a dear sister, Madame Bosse. But as he was to speak the truth before God, he could not help it—the sad truth was not to be told. ‘*Mr. Chiniquy*,’ he said, ‘*had attempted to do the most infamous things with my own sister, Madame Bosse.* She herself has told me the whole story under oath, and she would be here to unmask the wicked man to-day before the whole world, if she were not forced to silence at home from a severe illness.’

“Though every word of that story was a perjury, there was such a colour of truth and sincerity in my accuser, that his testimony fell upon me and my lawyers and all my friends as a thunderbolt. A man who has never heard such a calumny brought against him before a jury in a Court-house packed with people, composed of friends and foes, will never understand what I felt in this the darkest hour of my life. My God only knows the weight and the bitterness of the waves of desolation which then passed over my soul.

“After that testimony was given, there was a lull, and a most profound silence in the court-room. All the eyes were turned upon me, and I heard many voices speaking of me, whispering, ‘The villain!’ Those voices passed through my soul as poisoned arrows. Though innocent, I wished that the ground would open under my feet and bring me down to the darkest abysses, to conceal me from the eyes of my friends and the whole world.

“However, Mr. Lincoln soon interrupted the silence by addressing to Lebel such cross-questions that his testi-

mony, in the minds of many, soon lost much of its power. And he did still more destroy the effect of his (Lebelle's) false oath, when he brought my twelve witnesses, who were among the most respectable citizens of Bourbonnais, formerly the parishioners of Mr. Lebelle. Those twelve gentlemen swore that Mr. Lebelle was such a drunkard and vicious man, that he was so publicly my enemy on account of the many rebukes I had given to his private and public vices, that they would not believe a word of what he said, even upon his oath.

"At ten p. m. the Court was adjourned, to meet again the next morning, and I went to the room of Mr. Lincoln with my two other lawyers, to confer about the morning's work. My mind was unspeakably sad. Life had never been such a burden to me as in that hour. I was tempted, like Job, to curse the hour when I was born. I could see in the face of my lawyers, though they tried to conceal it, that they were also full of anxiety.

"‘My dear Mr. Chiniquy,’ said Mr. Lincoln, ‘though I hope, to-morrow, to destroy the testimony of Mr. Lebelle against you, I must concede that I see great dangers ahead. There is not the least doubt in my mind that every word he has said is a sworn lie; but my fear is that the jury thinks differently. I am a pretty good judge in these matters. I feel that our jurymen think that you are guilty. There is only one way to perfectly destroy the power of a false witness—it is by another direct testimony against what he has said, or by showing from his very lips that he has perjured himself. I failed to do that last night, though I have diminished, to a great extent, the force of his testimony. Can you not prove an alibi, or can you not bring witnesses who were there in the same house that day, who would flatly and directly contradict what your remorseless enemy has said against you?’

"I answered him: 'How can I try to do such a thing when they have been shrewd enough not to fix the very date of the alleged crime against me?'

" 'You are correct, you are perfectly correct, Mr. Chini-guy,' answered Mr. Lincoln, 'as they have refused to fix the date, we cannot try that. I have never seen two such skilful rogues as those two priests. There is really a diabolical skill in the plan they have concocted for your destruction. It is evident that the bishop is at the bottom of the plot. You remember how I have forced Lebellet to confess that he was now on the most friendly terms with the Bishop of Chicago, since he has become the chief of your accusers. Though I do not give up the hope of rescuing you from the hands of your enemies, I do not like to conceal from you that I have several reasons to fear that you will be declared guilty and condemned to a heavy penalty, or to the penitentiary, though I am sure you are perfectly innocent. It is very probable that we will have to confront that sister of Lebellet to-morrow. Her sickness is probably a feint, in order not to appear here except after the brother will have prepared the public mind in her favour. At all events, if she does not come, they will send some justice of the peace to get her sworn testimony, which will be more difficult to rebut than her own verbal declarations. That woman is evidently in the hands of the bishop and her brother priest, ready to swear anything they order her, and I know nothing so difficult as to refute such female testimonies, particularly when they are absent from the court. The only way to be sure of a favourable verdict to-morrow is, that God Almighty would take our part and show your innocence! Go to Him and pray, for He alone can save you.'

"Mr. Lincoln was exceedingly solemn when he addressed those words to me, and they went very deep into my soul.

"I have often been asked if Abraham Lincoln had any

religion. But I never had any doubt about his profound confidence in God since I heard those words falling from his lips in that hour of anxiety. I had not been able to conceal my deep distress. Burning tears were rolling on my cheeks when he was speaking, and there was on his face the expression of friendly sympathy which I shall never forget. Without being able to say a word I left him to go to my little room. It was nearly eleven o'clock. I locked the door and fell on my knees to pray, but I was unable to say a single word.

"The horrible sworn calumnies thrown at my face by a priest of my own Church were ringing in my ears; my honour and my good name so cruelly and for ever destroyed; all my friends and my dear people covered with an eternal confusion; and more than that, the sentence of condemnation which was probably to be hurled against me the next day in the presence of the whole country, whose eyes were upon me. All those things were before me, not only as horrible phantoms, but as heavy mountains, under the burdens of which I could not breathe. At last the fountains of tears were opened, and it relieved me to weep; I could then speak and cry: 'Oh! my God! have mercy upon me! Thou knowest my innocence; has Thou not promised that those who trust in Thee cannot perish? Oh? do not let me perish when Thou art the only One in whom I trust. Come to my help. Save me.'

"From eleven p. m. to three in the morning I cried to God, and raised my supplicating hands to His throne of mercy. But I confess, to my confusion, it seemed to me in certain moments that it was useless to pray and to cry, for though innocent I was doomed to perish. I was in the hands of my enemies. My God had forsaken me.

"What an awful night I spent. I hope none of my readers will ever know by their own experience the agony

of spirit I endured. **I had no other expectation** than to be for ever dishonoured and sent to the penitentiary the next morning.

"But God had not forsaken me. He had again heard my cries and was once more to show me His infinite mercy.

"At three o'clock a. m. I heard three knocks at my door, and I quickly went to open it. 'Who was there? Abraham Lincoln, with a face beaming with joy.'

"I could hardly believe my eyes. But I was not mistaken. It was my noble-hearted friend, the most honest lawyer of Illinois—one of the noblest men Heaven had ever given to earth. It was Abraham Lincoln who had been given to me as my Saviour. On seeing me bathed with tears he exclaimed: 'Cheer up, Mr. Chiniquy, I have the perjured priests in my hands. Their diabolical plot is all known, and if they do not fly away before the dawn of day they will surely be lynched. Bless the Lord, you are saved.'

"The sudden passage of extreme desolation to an extreme joy came near killing me. I felt as suffocated, and unable to utter a single word. I took his hand, pressed it to my lips, and bathed it with tears of joy. I said: 'May God for ever bless you, dear Mr. Lincoln. But please tell me how you can bring me such glorious news.'

"Here is the simple but marvelous story, as told me by that great and good man whom God had made the messenger of His mercies towards me:

"'As soon as Lebellet had given his perjured testimony against you yesterday,' said Mr. Lincoln, 'one of the agents of the Chicago press telegraphed to some of the principal papers of Chicago: "It is probable that Mr. Chiniquy will be condemned; for the testimony of the Rev. Mr. Lebellet seems to leave no doubt that he is guilty." And the little Irish boys, to sell their papers, filled the

streets with cries, "Chiniquy will be hung! Chiniquy will be hung!" The Roman Catholics were so glad to hear that, that ten thousand extra copies have been sold. Among those who bought those papers was a friend of yours, called Terrien, who went to his wife and told her that you were to be condemned, and when the woman heard that she said: "It is too bad, for I know Mr. Chiniquy is not guilty."

"How do you know that?" said the husband. She answered: 'I was there when the priest Lebel made the plot, and promised to give his sister two eighties of good land if she would swear a false oath—and accuse him of a crime which that woman said he had not even thought of with her.'

"If it be so," said Terrien, 'we cannot allow Mr. Chiniquy to be condemned. Come with me to Urbana.'

"But that woman, being quite unwell, said to her husband: 'You know well I cannot go: but Miss Philomene Moffat was with me then. She knows every particular of that wicked plot as well as I do. She is well: go and take her to Urbana. There is no doubt that her testimony will prevent the condemnation of Mr. Chiniquy.'

"Narcisse Terrien started immediately: and when you were praying God to come to your help, He was sending your deliverer at the full speed of the railroad cars. Miss Moffatt has just given me the details of that diabolical plot. I have advised her not to show herself before the Court is opened. I will then send for her, and when she will have given, under oath, before the Court, the details she has just given me, I pity Spink with his perjured priests. As I told you, I would not be surprised if they were lynched: for there is a terrible excitement in town among many people, who, from the beginning, suspect that the priests have perjured themselves to destroy you.

“ ‘Now your suit is gained, and to-morrow you will have the greatest triumph a man ever got over his confounded foes. But you are in need of rest as well as myself. Good-bye.’

“After thanking God for that marvellous deliverance, I went to bed and took the needed rest.

“But what was the priest Lebelles doing at that very moment? Unable to sleep after the awful perjury he had just made, he had watched the arrival of the trains from Chicago with an anxious mind, for he was aware, through the confessions he had heard, that there were two persons in that city who knew his plot and his false oath; and though he had the promises from them that they would never reveal it to anybody, he was not without some fearful apprehension that I might, by some way or other, become acquainted with his abominable conspiracy. Not long after the arrival of the trains from Chicago, he came down from his room to see, in the book where travellers register their names, if there were any new comers from Chicago, and what was his dismay when he saw the first name entered was ‘*Philomene Moffatt!*’ That very name, Philomene Moffatt, who, some time before, had gone to confess to him that she had heard the whole plot from his own lips, when he had promised 160 acres of land to persuade his sister to perjure herself in order to destroy me. A deadly presentiment chilled the blood in his veins! ‘Would it be possible that this girl is here to reveal and prove my perjury before the world?’

‘He immediately sent for her, when she was just coming from meeting Mr. Lincoln.

“ ‘Miss Philomene Moffatt here!’ he exclaimed, when he saw her. ‘What are you coming here for, this night?’ he said.

“ ‘You will know it, sir, to-morrow morning,’ she answered.

“ ‘Ah! wretched girl! you come to destroy me?’ he exclaimed.

“ ‘She replied: ‘I do not come to destroy you, for you are already destroyed. Mr. Lincoln knows everything.’

“ ‘Oh! my God! my God!’ he exclaimed, striking his forehead with his hands. Then, taking a big bundle of bank-notes from his pocket-book, he said: ‘Here are one hundred dollars for you, if you take the morning train and go back to Chicago.’

“ ‘If you would offer me as much gold as this house could contain, I would not go,’ she replied.

“ ‘He then left her abruptly, ran to the sleeping room of Spink, and told him: ‘Withdraw your suit, against Chiniquy; we are lost; he knows all.’

“ ‘Without losing a moment, he went to the sleeping-room of his co-priest, and told him: ‘Make haste—dress yourself and let us take the morning train; we have no business here, Chiniquy knows all our secrets.’

“ ‘When the hour of opening the Court came there was an immense crowd, not only inside, but outside its walls. Mr. Spink, pale as a man condemned to death, rose before the Judge and said: ‘Please the Court, allow me to withdraw my prosecution against Mr. Chiniquy. I am now persuaded that he is not guilty of the faults brought against him before this tribunal.’

“ ‘Abraham Lincoln having accepted that reparation in my name, made a short, but one of the most admirable speeches I have ever heard, on the cruel injustices I had suffered from my merciless persecutors, and denounced the rascality of the priests who had perjured themselves, with such terrible colours, that it had been very wise on

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their part to fly away and disappear before the opening of the Court.

"Abraham Lincoln had not only defended me with the zeal and talent of the ablest lawyer I have ever known, but as the most devoted and noblest friend I ever had. After giving me more than a year of his precious time to my defence, when he had pleaded during two long sessions of the Court of Urbana without receiving a cent from me, I considered that I was owing him a great sum of money. My two other lawyers, who had not done the half of his work, asked me a thousand dollars each, and I had not thought that too much. After thanking him for the inappreciable services he had rendered me, I requested him to show me his bill, assuring him that, though I would not be able to pay the whole cash, I would pay him the last cent, if he had the kindness to wait a little for the balance.

"He answered me with a smile and an air of inimitable kindness which was peculiar to him: 'My dear Mr. Chiniquy, I feel proud and honoured to have been called to defend you. But I have done it less as a lawyer than as a friend. The money I should receive from you would take away the pleasure I feel at having fought your battle. Your case is unique in my whole practice. I have never met a man so cruelly persecuted as you have been, and who deserves it so little. Your enemies are devils incarnate. The plot they had concocted against you is the most hellish one I ever knew. But the way you have been saved from their hands, the appearance of that young and intelligent Miss Moffatt, who was really sent by God in the very hour of need, when, I confess it again, I thought everything was nearly lost, is one of the most extraordinary occurrences I ever saw. It makes me remember what I have too often forgotten, and what my mother often told me when young—that our God is a prayer-hearing God. This good thought, sown into my young heart by that dear

mother's hand, was just in my mind when I told you, "Go and pray, God alone can save you." But I confess to you that I had not faith enough to believe that your prayer would be so quickly and marvellously answered by the sudden appearance of that interesting young lady last night. Now let us speak of what you owe me. Well! well! how much do you owe me? You owe me nothing! for I suppose you are quite ruined. The expenses of such a suit, I know, must be enormous. Your enemies want to ruin you. Will I help them to finish your ruin, when I hope I have the right to be put among the most sincere and devoted of your friends?"

"'You are right,' I answered; 'you are the most devoted and noblest friend God ever gave me, and I am nearly ruined by my enemies. But you are the father of a pretty large family; you must support them. Your travelling expenses in coming twice here for me from Springfield; your hotel bills, during the two terms you have defended me, must be very considerable. It is not just that you should receive nothing in return for such work and expenses.'

"'Well! well!' he answered, 'I will give you a promissory note which you will sign.' Taking then a small piece of paper, he wrote.

"He handed me the note, saying, 'Can you sign that?'

"'Urbana, May 23, 1857. Due A. Lincoln fifty dollars, for value received. C. Chiniquy.'

"After reading it, I said, 'Dear Mr. Lincoln, this is a joke. It is not possible that you ask only fifty dollars for services which are worth at least two thousand dollars.'

"He then tapped me with the right hand on the shoulder and said: 'Sign that; it is enough. I will pinch some rich men for that and make them pay the rest of the bill,' and he laughed outright.

"When Abraham Lincoln was writing the due-bill, the relaxation of the great strain upon my mind, and the great kindness of my benefactor and defender in charging me so little for such a service, and the terrible presentiment that he would pay with his life what he had done for me, caused me to break into sobs and tears.

"As Mr. Lincoln had finished writing the due-bill, he turned round to me and said, 'Father Chiniquy, what are you crying for? ought you not to be the most happy man alive? you have beaten your enemies and gained the most glorious victory, and you will come out of all your troubles in triumph.'

" 'Dear Mr. Lincoln,' I answered, 'allow me to tell you that the joy I should naturally feel for such a victory is destroyed in my mind by the fear of what it may cost you. There were, then, in the crowd not less than ten or twelve Jesuits from Chicago and St. Louis, who came to hear my sentence of condemnation to the penitentiary. But it was on their heads that you have brought the thunders of heaven and earth! nothing can be compared to the expression of their rage against you, when you not only wrenched me from their cruel hands, but you were making the walls of the Court-house tremble under the awful and superhumanly eloquent denunciation of their infamy, diabolical malice, and total want of Christian and human principle, in the plot they had formed for my destruction. What troubles my soul just now, and draws my tears, is that it seems to me that I have read your sentence of death in their bloody eyes. How many other noble victims have already fallen at their feet!'

"He tried to divert my mind at first with a joke. 'Sign this,' said he, 'it will be my warrant of death.'

"But after I had signed he became more solemn, and said, 'I know that Jesuits never forget nor forsake. But

man must not care how and where he dies, provided he dies at the post of honour and duty,' and he left me."

In an age when lawyers like Webster and Wirt and Lincoln never made more than four or five thousand dollars a year—there was nevertheless more real advocacy, more skill in the trial of causes, more real effort and preparation than in an age when there are so many diversions, so many other tasks, so much other effort to weaken the one mission of our lives—to practice our profession as we should desire to do. Given therefore the best of our endowed lawyers—and he cannot and will not appear to the same advantage as did the others of those other times—for if for no other reason—the background is missing. The Court House was the theatre, the concert hall, the opera house; and the outside of the Court House was the public forum. Lincoln practiced his profession among friends and neighbors, and when his cause was just—and he rarely appeared in others—he was simply superb. His reasoning, his logic, his eloquence, his broad humanity—were all called into play—and client and juror and judge and listener were all spell-bound and convinced by this honest lawyer, who ever told the truth and almost always conceded and almost gave his case away; but he never lost an honest case—in the trial of which no one could successfully resist him.

The variety of his practice, too, brought into play the finest faculties in him. He was not simply the country lawyer, the cornfield lawyer, the village notary, the petty criminal lawyer—if you compare and study the list of his known cases you will see practically every phase of law and manifestation of the operation of law as it comes into the lives of the people.

I have attempted to bring to your attention some new features in the career of Lincoln at the bar, in order to show his remarkable adaptability and the wonderful resiliency of his mind to any new feature, to any new problems, in order that we might better appreciate his thorough preparation for his great

work in the Lincoln-Douglas Debate in his epoch making speech at Cooper Union, and finally at Washington—where he was called upon to face and solve problems which called into play all the various manifestations of this many-sided man, and he actually grappled and solved practically alone, all the great questions which came up during those overcrowded years in Washington. The rebellious Cabinet, the hostile Congress, the threatening Abolitionists, the disloyal Copperheads, the treasonable activities of the Valladinghams and his coadjutors, the Trent Affair, the choice and removal of Generals, the suppression of peace talk with the suggestion of telling the erring sisters to go, the struggle with a semi-hostile press and a pacifist pulpit, the superb diplomacy which kept England, France and other European countries out of the dispute, the creation of an army and a navy, the wearing down of all opposition, the Emancipation Proclamation, the beginnings of Reconstruction, and final Victory and the apotheosis in the sealing of the pact with the blood of the first martyr in the Presidency—were all the decrees of Providence choosing this physical and mental giant to grapple with the task which pygmies had been unable to comprehend—free a race, solidify the Union, and take his place, when his task was done, with the few immortals—who tower over their fellows in the history of mankind.

Kind to, inclusions - November

Springfield, Nov. 17. 1858

Messrs. J. C. Davis & Co

Gentlemen

You perhaps need not to be
reminded how I have been personally engaged
the last three or four months. After writing
to Seneca & Wadsworth, of Oct. 1. & completing
the the lands of this again when a note
came from you that winter for you, have not
been so as a resolution for you to know
on the 10th day - I will try to "explain
how our" (your) "interests" have been so much in
question" as you observe & explain it. After
the judgments were obtained we wrote you that
under our law, the selling of land or execution
is a deed of war & dangerous, & that it
could not be done safely, without a care-
ful examination of titles, and also of the
value of the property. This being so, we will
show this - To do this, we are again a case
case of law, the State. We now proceed, &
we sent to you separate instructions. At length
we employed a young man to visit all the
localities, and make as accurate a report
in titles and values as he could. He did
this, expending three or four weeks time, and
he found, over a hundred dollars of

has our money in every way. When the time
comes we will pay, looking if we should
have and that we pay for it. We are concerned
with the information. This letter you receive
by return.

The money is now up. I will have no, and
to do with this class of business. I should
business in London, but it is not yet, and
will not follow execution all over the
world. The young man who collected the money
for us is an active young lawyer living
in Cambridge, friends with Mr. W. W. Ward
premier here. I know of the compensation
we should ultimately receive. He will be
somewhere here, and I believe you would
be well to know the whole business
to know. I believe we have had, of legal
firms, for which you are to receive back from
the lawyers, one hundred dollars. I should
not go through the same loss in a transac-
tion for your firm's business. I hope, if you
are clear, of Mr. William Fishback
(I believe his name) we will be able to
happy to introduce to him, or to any
other persons you may know.

Yours H.
H. H. H.

It shall meet.
Published. H. H. H.

The 11th section of the act of Congress, approved Feb. 11, 1805, prescribing rules for the subdivision of Sections of land within the United States system of surveys, standing unimpeached, in my opinion, is binding on the respective purchasers of different parts of the same section, and furnishes the true rule for Surveyors in establishing lines between them— That law, being in force at the time each became a purchaser, becomes a condition of the purchase—

And, by that law, I think the true rule for dividing into quarters any interior Section, or Section which is not fractional, is to run straight lines through the Section from the opposite quarter section corners, fixing the point where such straight ^{lines} ~~lines~~ cross, or intersect each other, as the middle, or center of the Section—

Nearly, perhaps quite, all the original surveys are to some extent erroneous; and in some of the Sections, greatly so— In ^{each of} the latter, it is obvious that a more equitable mode of division than the above, might be adopted; but as error is infinitely various, perhaps no better single rule can be prescribed.

At all events, I think the above has been prescribed by the competent authority—
Springfield, Jan'y. 11. 1859. H. Lincoln.

THE LINCOLN-CANISIUS CONTRACT
Establishing the First German Newspaper in Springfield

This instrument witnesseth that the Printing-press, galle-
an types &c. purchased of John Burkhardt, belong-
to Abraham Lincoln; that Theodore Canisius
is to have immediate possession of them, and is
to commence publishing in Springfield, Illinois,
a Republican newspaper, to be chiefly in the
german language, with occasional transla-
tions into English at his option; the first num-
ber to issue in the ensuing month of June,
and to continue thenceforward issuing weekly
or oftener, at the option of said Canisius, he,
said Canisius, bearing all expenses, and charges,
and taking all incomes and profits; said pa-
per, in political sentiment, not to depart from
the Philadelphia and Illinois Republican
platform; and for a material departure
in that respect, or a failure of said
paper to issue as often as weekly, or any
attempt to remove said press, types &c. from
Springfield, or to print with them any
thing opposed to, or designed to injure the
Republican party, said Lincoln may, at his
option, at once take possession of said press,
types &c. and deal with them as his own. On
the contrary, if said Canisius shall issue a
newspaper, in all things conformable hereto, un-
til after the Presidential election of 1860, then
said press, ^{and} types &c. to be his property absolutely,

not, however, to be used against the Republican
party; nor to be removed from Springfield with-
out the consent of Sam Lincoln.

May

1859

A. Lincoln

Wm. A. Lincoln

May 30. 1859. Jacob Burn, bought the
freedom of John Burn, for
the sum of \$1000.

A. Lincoln

Received, May 11. 1855. of Benjamin Kellogg, Jr.
fifty dollars in full balance of all fees, up
to this date, and also one dollar and a quarter, to be
applied on the next fee.

A. Lincoln

(See page 12)

Urbana, May 23-1858

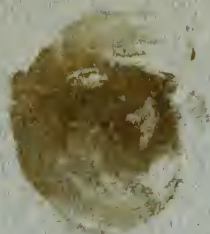
Due A Lincoln

fifty dollars.

for value received.

L. Chiniquy
D

(See page 27)





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ABRAHAM LINCOLN, MORE THAN A COUNTRY LAW



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